

CRM-M-38718-2020

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-38718-2020

Date of decision:21.12.2020

Gola

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Ms. Gurpreet Kaur, Advocate for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

This is a petition under Section 438 Cr.P.C. for grant of anticipatory bail in case bearing FIR No.84 dated 02.5.2020 registered under Sections 326, 323, 324, 34 IPC at Police Station Ajnala, District Amritsar.

This Court, on 24.11.2020, passed the following order:

“Case is taken up for hearing through video conferencing.

This is a petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No. 84 dated 02.5.2020 under Sections 326, 323, 324, 34 IPC registered at Police Station Ajnala, District Amritsar.

Learned counsel for the petitioner submits that there is delay of 09 months in lodging the present FIR as the occurrence took place on 28.8.2019 whereas the present FIR has been registered on 02.5.2020.

Notice of motion.

On the asking of the Court, Mr. Sandeep Kumar, DAG, Punjab accepts notice on behalf of the State. He has pointed out that the petitioner has inflicted injury on the right side of the head near the ear of the complainant, which was declared grievous in nature but he has not disputed the fact that there is a delay of 09 months in lodging the present FIR.

Adjourned to 21.12.2020.

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Meanwhile, petitioner is directed to join the investigation and if he is sought to be arrested, he shall be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer subject to the conditions as envisaged in Section 438 (2) of the Code of Criminal Procedure.

However, anticipatory bail, granted while exercising the judicial discretion, should not operate as an inroad into the statutory investigational power of the police.”

Learned counsel for the petitioner submits that pursuant to the order dated 24.11.2020 passed by this Court, the petitioner has joined the investigation.

Learned State counsel, on instructions from ASI Baljeet Singh, submits that the petitioner has joined the investigation and is now not required for any further investigation.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the order dated 24.11.2020 granting interim bail to the petitioner, is made absolute, subject to the conditions laid down in Section 438 (2) Cr.P.C.

21.12.2020
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(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No